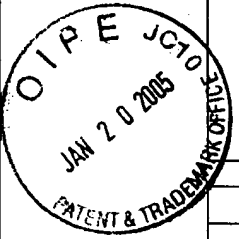


01-24-05

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TRANSMITTAL FORM		Application Number	09/912,266
(To be used for all correspondence after initial filing)		Filing Date	July 24, 2001
		First Named Inventor	James E. Fleming
		Art Unit	1641
		Examiner Name	Gailene R. Gabel
		Attorney Docket No.	390054.402
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Return Receipt Postcard	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Declaration	<input type="checkbox"/> Other Enclosure(s) (<i>please identify below</i>):	
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Statement under 37 CFR 3.73(b)		
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<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53	<input type="checkbox"/> CD, Number of CD(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD		
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Seed Intellectual Property Law Group PLLC	Customer Number 00500	
Signature			
Printed Name	William T. Christiansen, Ph.D.		
Date	January 20, 2005	Reg. No.	44,614

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James E. Fleming et al.
Application No. : 09/912,266
Filed : July 24, 2001
For : METHOD AND APPARATUS FOR VIABLE AND NONVIABLE
PROKARYOTIC AND EUKARYOTIC CELL QUANTITATION

Examiner : Gailene R. Gabel
Art Unit : 1641
Docket No. : 390054.402
Date : January 20, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.112

Commissioner for Patents:

In response to the Office Action dated August 5, 2004, and the Office Communication dated January 7, 2005, please reconsider the pending application.

Claims Listing is found on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.